

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 02 STATE PROCUREMENT ORGANIZATION

Chapter 03 Department of Budget and Management

[New section] 06 eMaryland Marketplace Fees.

A. Application. This regulation shall apply to contracts that are solicited and awarded on or after July 1, 2005 through the following types of procurement methods and whose total value exceeds \$25,000 over the life of the contract:

(1) Competitive sealed bids pursuant to State Finance & Procurement Article, §13-103, Annotated Code of Maryland;

(2) Competitive sealed proposals, including but not limited to real property leases pursuant to State Finance & Procurement Article, §13-104, Annotated Code of Maryland;

(3) Unsolicited proposals pursuant to State Finance & Procurement Article, §13-107.1, Annotated Code of Maryland;

(4) Auction bids pursuant to State Finance & Procurement Article, §13-111, Annotated Code of Maryland;

(5) Sole source procurement pursuant to State Finance & Procurement Article, §13-107, Annotated Code of Maryland;

(6) Expedited procurement pursuant to State Finance & Procurement Article, §13-108, Annotated Code of Maryland; and

(7) Architectural and engineering services pursuant to State Finance & Procurement Article, Division II, Title 13, Subtitle 3, Annotated Code of Maryland.

B. Exclusions and Exceptions.

(1) The fees assessed pursuant to this regulation shall not apply to:

a) Contracts valued at \$25,000 or less;

b) Revenue producing contracts as defined in COMAR 21.01.03.03(B);

and

c) Statewide Department of General Services contracts that have been web enabled as on-line catalogues posted on eMaryland Marketplace.

(2) For indefinite quantity contracts where there is a secondary level of competition, the fee shall be assessed on each purchase or task order over \$25,000.

C. Imposition and Collection of Fee.

(1) The unit shall assess the fee upon award of the contract based on the actual or estimated contract value as follows:

Level	Contract Value	Fee
1	\$25,001 - \$50,000	\$100
2	\$50,001 - \$100,000	\$200
3	\$100,001 - \$200,000	\$500
4	\$200,001 - \$500,000	\$1,000
5	\$500,001 - \$1,000,000	\$2,500
6	\$1,000,001 - \$10,000,000	\$5,000
7	\$10,000,001 - \$25,000,000	\$7,500
8	\$25,000,001 - \$50,000,000	\$10,000
9	\$50,000,001 and over	\$15,000

(2) The contractor shall pay the fee in accordance with guidelines issued by the Department of General Services.

(3) The contractor shall pay the applicable fee:

a) within 30 days of award or task order award for Levels 1, 2, and 3 procurements;

b) in two equal fee payments, the first within 30 days and the second within 60 days of award or task order award for Levels 4, 5, and 6 procurements; and

c) in three equal fee payments, the first within 30 days, the second within 60 days, and the third within 90 days of award or task order award for Levels 7, 8, and 9 procurements.

(4) If a contractor fails to pay the fee when due, the State may withhold the amount of the fee from any future amounts that may otherwise become due and payable to the contractor pursuant to COMAR 21.02.07.03. This regulation does not limit any other rights and remedies of the State.

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Secretary of Budget and Management